

STATE OF NEW YORK
SURROGATE'S COURT, COUNTY OF NEW YORK

Proceeding to Compel Delivery :
of Property by Fiduciary of : File No. P 2781-1962
:
:
Estate of : AFFIDAVIT
MARIPLYN MONROE,
:
Deceased :
:
:

AARON R. FROSCH, being duly sworn deposes and says,
I make this Affidavit in connection with proceeding
in the above captioned Estate, brought on by Order to Show Cause
Order
toward obtaining/of this Court for the delivery of certain photo-
graphs and certain color transparencies of MARIPLYN MONROE to
TOM KELLEY based on his claim that he is the owner thereof.

Said transparencies came to my attention, as Executor
of the Estate of MARIPLYN MONROE, within the last year. Subse-
quently, there was an international press notice that these trans-
parencies existed and I had possession thereof. Since that time,
claim has been made by LEE STRASBERG, beneficiary of her personal
effects, under the Last Will and Testament of MARIPLYN MONROE, that
these transparencies represent personal effects of the Decedent
and accordingly, he is entitled to them. Also, the claim of
MR. KELLEY to the effect that he was the owner of the said trans-
parencies and that he had loaned these to MISS MONROE prior to
her death.

NO OTHER SERIOUS OFFER FOR THE ACQUISITION OF OR
CLAIM OF OWNERSHIP OF THE SAID TRANSPARENCIES, TO MY KNOWLEDGE,
HAS BEEN MADE.

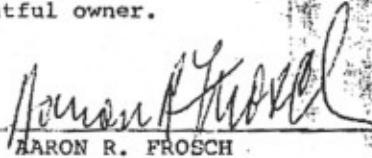
I HAVE EXAMINED THE "MODEL RELEASE" ATTACHED TO
MR. KELLEY'S MOVING PAPERS HEREIN AND BELIEVE THE SIGNATURE THERE-
ON TO BE THAT OF MARILYN MONROE.

I HAVE NO BASIS OF BELIEVING THE SAID TRANSPARENCIES
ARE NOT OWNED BY MR. TOM KELLEY AND THAT THEY WERE LOANED TO THE
DECEDENT PRIOR TO HER DEATH.

ALTHOUGH THE TRANSPARENCIES PHYSICALLY MAY REPRESENT
PERSONAL AFFECTS OF THE DECEDENT, I QUESTIONED WHETHER REPRODUC-
TION OR ANY OTHER RIGHTS THERETO ARE PERSONAL AFFECTS OF THE
DECEDENT.

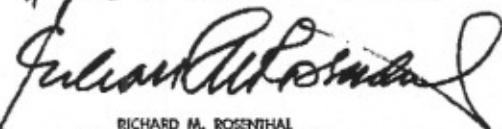
I RECOGNIZE THAT THE DECEDENT HAS NO RIGHTS OF
PRIVACY AND HER ESTATE HAS NO EXCLUSIVE RIGHT TO HER IMAGE.

ACCORDINGLY, I TAKE NO POSITION IN RELATION TO THE
OWNERSHIP OF THE SAID TRANSPARENCIES BUT PRAY THE COURT TO REACH
A DECISION IN REGARD TO THE OWNERSHIP THEREOF, SO THEY MAY BE
DISTRIBUTED BY THE ESTATE TO THEIR RIGHTFUL OWNER.


AARON R. FROSCH

Sworn to before me this

7th day of Dec., 1972.



RICHARD M. ROSENTHAL
Notary Public, State of New York
No. 31-374785
Certified in New York County
Commission Expires March 30, 1973